

MINUTES ADOPTED BY CITY COUNCIL

Greenville, NC
August 14, 2003

The Greenville City Council met in a regular meeting on the above date at 7:00 PM in the City Council Chambers, third floor of the Municipal Building, with Mayor Robert D. Parrott presiding. The meeting was called to order, followed by the invocation by Council Member Council and the pledge of allegiance to the flag. The following were present.

Mayor Robert D. Parrott
Mayor Pro-Tem Ric Miller
Council Member Mildred A. Council
Council Member Ray Craft
Council Member Pat Dunn
Council Member Rose H. Glover
Council Member Chip Little
Marvin W. Davis, City Manager
Wanda T. Elks, City Clerk
David A. Holec, City Attorney

APPROVAL OF AGENDA

City Manager Davis reported that a request was received to continue the rezoning request by Greystone Mobile Home Park, LLC until November 2003.

Motion was made by Council Member Craft and seconded by Council Member Little to continue the rezoning request by Greystone Mobile Home Park, LLC until November 2003. Motion carried unanimously.

City Manager Davis explained that a request was received from Mary Williams to address the Council regarding the River Park North Facility.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to add an address by Mary Williams to the agenda as Item #11B. Motion carried unanimously.

City Manager Davis requested that a closed session be added to the agenda for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to add a closed session to the end of the agenda for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract

for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve the agenda as presented with the amendments. Motion carried unanimously.

SPECIAL RECOGNITIONS

Ms. Dana Reason, Miss North Carolina, formerly of Greenville, was presented a key to the City by Mayor Parrott.

Ms. Reason stated that she is the second person from Greenville to ever become Miss North Carolina.

A retirement plaque was presented to Tony James of the Public Works Department, with over 30 years of service in the Sanitation Division.

APPOINTMENTS TO BOARDS AND COMMISSIONS - APPROVED

Citizens Advisory Commission on Cable Television

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to appoint Scott Hurst to fill an unexpired term expiring March 2004 replacing Leslie Gray, who resigned. Motion carried unanimously.

Community Appearance Commission

Council Member Craft requested that the appointment to the Community Appearance Commission be continued.

Environmental Advisory Commission

Council Member Glover requested that her appointments to the Environmental Advisory Commission be continued and she solicited interested citizens who fill the “building contractor, land developer, or someone familiar with construction techniques” or the “member of a local environmental group” slot to submit an application.

THE FERGUSON GROUP STATUS REPORT

Mr. Roger Gwinn, President of The Ferguson Group, reported on the status of the City of Greenville’s 2003 Federal Agenda. He stated that Congressmen Jones and Ballance and Senators Dole and Edwards have been very successful on the City’s behalf thus far in the fiscal year 2004 federal appropriation process. Four projects of the City that earmarks were being requested for were reported on as follows:

West Greenville and Uptown Neighborhood Revitalization

The House Appropriations Committee marked up the VA, HUD and Independent Agencies Appropriations bill on July 21, 2003. This bill included \$100,000 for the West Greenville Revitalization project. There are about 600 earmarks nationwide in this account and over half are less than \$150,000. The Senate has yet to take action on this item, but in the upcoming weeks The Ferguson Group will be working with the Senate delegation in an attempt to secure additional funding for this project.

Green Mill Run Stream Restoration

The House passed the Energy and Water Appropriations bill on July 18, 2003 and included an earmark set aside on the appropriation process for \$200,000 for the City's stream restoration project. The Senate Appropriations Committee did not include funding for the project. This is not unusual in this particular account. Typically, when the House provides funding the Senate does not. The Ferguson Group is very optimistic that the full \$200,000 will be approved. The timing of that is expected some time in the month of September.

Police Department Wireless Infrastructure

The House Appropriations Committee marked up the Commerce, Justice, and State Appropriations bill on July 23, 2003. The bill contains a list of projects for a number of local governments to receive funding under the COPS Technology account. The list of projects that is included under this particular account total about 180. Thirty are for regional or statewide initiatives and 150 are for local governments. The City of Greenville's request is one of about 150 local government requests that have been put in place to receive a specific dollar amount at the conclusion of the appropriations process or action on this particular bill. At this point, it is again just listed without a specific dollar amount. The request for this was \$1.5 million. This whole amount of money that is provided for this particular account is \$100 million nationwide. This is about \$80 million less than what was approved in 2003 for this particular account. This indicates again the kind of pressures that all of these accounts are under in the 2004 appropriations process.

The Greenways Expansion and Improvement Project

The House Appropriations Committee marked up the Transportation Appropriations bill on July 24, 2003. This bill did not include funding for the City of Greenville's greenways project. The request that the City had before the House and has pending before the Senate is for \$3.5 million for a 6 ½ mile expansion of the greenway system on Green Mill Run, South Tar River and Parker's Creek. They expect Senate action on this particular bill in September and they will be working with the Council and the City's delegation to see what can be secured in that particular process.

Southwest Bypass

The last item on the federal agenda for calendar year 2003 is an item that is an authorization that will be included in the Transportation and Highway Enhancement Act, which occurs every six

years. The House and Senate are expected to initiate action on that particular piece of legislation in the early part of September. They are unlikely to complete action on that particular piece of legislation in this calendar year. In all likelihood, final action will be deferred until after next year's election. There are a number of issues that are rather controversial that have to be settled prior to that particular piece of authorizing legislation being finalized. The Ferguson Group is continuing to get optimistic reports and very positive feedback on the City of Greenville's request for funding for the Southwest Bypass project. The State has indicated that it's their intent to fully fund even without any action by Congress. It is the view of Greenville's Congressional delegation that it should continue to pursue a specific set aside of funding through the authorization process to ensure that these dollars do come to this area over the six-year life of this particular authorizing piece of legislation.

Upon being asked if there is a chance the Senate may include the greenways even though it did not get written up in the House, Mr. Gwinn responded that the Senate has not acted on the Transportation Appropriations bill for fiscal year 2004 yet. That is expected some time in the earlier part of September. There certainly is an opportunity for the Senate delegation to secure set aside within that particular account in that process. On the House side, there were very few earmarks in this particular account. There is only one in the entire State of North Carolina and that has not been the traditional outcome of the appropriations process for this particular account. They do expect more projects to be added by the Senate and by the House Senate Conference Committee when they hammer out a final version of the bill. There are really two different opportunities to try and secure an earmark. Greenville's delegation has been very great in terms of pursuing this very strongly and advocating on the City's behalf for this project. He cannot predict what the outcome will be this year and efforts are continuing to be made to secure funding. It is a very competitive account and certainly the vast majority of requests are denied.

Upon being asked how much matching money will have to come with the funding that he had indicated might be forthcoming, Mr. Gwinn responded that the matching requirements vary from project to project. The commitment for the Greenways Expansion project is approximately \$600,000 at a local match compared to match up of \$3.5 million in federal money. The Police Department Wireless Infrastructure program is again to put into place the infrastructure to allow the Police vehicles to instantly receive data on warrants and things of that sort within their mobile units. There is a match that would be provided in the sense that the City is already making a significant investment in this area and that is being cited as the match and that is approximately \$225,000.

Mr. Gwinn was asked whether what the City is already doing at \$225,000 will suffice as a match, and he responded that no additional resources would be required over that amount. On the Green Mill Run Stream Restoration Project, there is an overall 35% nonfederal cost share requirement. There is no requirement for a specific nonfederal match at that point for the City to contribute dollars in the initial study phase, which is where the City will be, hopefully, with the \$200,000 set aside in fiscal year 2004 appropriations process. The City will obviously be contributing a significant amount of time with the Corps working on the scope of the project, etc. Overall, there is ultimately going to be a 35% cost share requirement.

Upon being asked whether initially that would be in time, Mr. Gwinn responded that it would. When there is a commitment to go to construction, then the whole project is cost shared on a

35% basis. If the City decides that they are unsatisfied or do not like the project that the Corps proposes to construct or the Council thinks that it reflects federal interest, then there is no requirement for the City to come up with any additional funding for that project. On the West Greenville and Uptown Neighborhood Revitalization initiative, there is a nominal 5% nonfederal cost share that is completely in kind. Mostly that is simply the processing of paperwork to secure the loan. In other instances, he has seen that waived in its entirety. Therefore, it is minimal in terms of the nonfederal cost share. Those HUD dollars are really extremely flexible monies. These are actually grant dollars that come directly to the City for to be used in the manner that the City thinks is appropriate to support these particular projects.

Mayor Pro-Tem Miller thanked Mr. Gwinn and his staff for their first year of service. The City is being included three out of four times with the fourth one still pending. He appreciates all of the hard work that Mr. Gwinn and his staff have done on the City's behalf.

Mayor Parrott echoed Mayor Pro-Tem Miller's comments. They appreciate the work of Mr. Gwinn and The Ferguson Group for the City of Greenville.

ORDINANCE REZONING BISO, LLC PROPERTY LOCATED ADJACENT TO THE NORTHERN RIGHT-OF-WAY OF FIRE TOWER ROAD, EAST OF THE INTERSECTION OF CHARLES BOULEVARD AND FIRE TOWER ROAD, AS FOLLOWS: TRACT 1 FROM OR TO CG AND TRACT 2 FROM RA20 TO CG - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4 and August 11, 2003 setting this time, date and place for a public hearing to consider a request by Biso, LLC to rezone two lots totaling 0.4722 acres located adjacent to the northern right-of-way of Fire Tower Road, 780± feet east of the intersection of Charles Boulevard and Fire Tower Road, as follows: Tract 1, consisting of 0.0474 acres, from OR to CG and Tract 2, consisting of 0.4248 acres, from RA20 to CG. At its June 17, 2003 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mayor Pro-Tem Miller stated that he was the contractor for this business and asked to be excused from voting.

Motion was made by Council Member Craft and seconded by Council Member Council to excuse Mayor Pro-Tem Miller from voting on this item due to a conflict of interest.

Mr. Harry Hamilton, Senior Planner, delineated the property on a map and stated that the Land Use Plan Map recognizes the area around the Fire Tower Road/Arlington Boulevard Extension intersections as a regional commercial focus area. There is commercial development on either side of this site. There is a strip of OR zoning that separates the RA20 from CG and puts in place on the north and eastern property boundaries of this tract on the corner with the intent of preventing the expansion of commercial development either north or to the east. There was a subsequent property requested for zoning that was rezoned to CG and, therefore, the utility of that office strip to prevent any future zoning is of no use. The rezoning of this tract is insignificant and does not have any impact on the surrounding area. It is simply a clean-up amendment to the zoning map and has no impact on traffic.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the ordinance rezoning two lots totaling 0.4722 acres located adjacent to the northern right-of-way of Fire Tower Road, 780± feet east of the intersection of Charles Boulevard and Fire Tower Road, as follows: Tract 1, consisting of 0.0474 acres, from OR to CG and Tract 2, consisting of 0.4248 acres, from RA20 to CG. Motion carried unanimously. (Ordinance No. 03-75)

ORDINANCE REZONING FIELD OF BEANS, LLC PROPERTY LOCATED ADJACENT TO THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD, SOUTH OF TEAKWOOD SUBDIVISION, AND NORTH OF DICKINSON AVENUE EXTENSION AS FOLLOWS: TRACT 1 FROM RA20 TO O, TRACT 2 FROM RA20 TO R6S, TRACT 3 FROM RA20 TO R6A AND TRACT 4 FROM RA20 TO R6 AND ZONING TRACT 5 AS R6 - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4 and August 11, 2003 setting this time, date and place for a public hearing to consider a request by Field of Beans, LLC to rezone four tracts totaling 69.51 acres and to initially zone one tract totaling 16.076 acres as follows: Tract 1, consisting of 9.018 acres, from RA20 to O; Tract 2, consisting of 27.778 acres, from RA20 to R6S; Tract 3, consisting of 16.944 acres, from RA20 to R6A; Tract 4, consisting of 15.770 acres, from RA20 to R6; and initial zoning of Tract 5, consisting of 16.076 acres, as R6. The property (85.59 acres combined) is located adjacent to the western right-of-way of Allen Road, south of Teakwood Subdivision, and 1400+ feet north of Dickinson Avenue Extension. The Planning and Zoning Commission voted to recommend approval of the request at its June 17, 2003 meeting.

Mr. Hamilton delineated the property on a map and stated that Tracts 1 through 4 are currently zoned RA20. Tract 5 is currently located outside of the City's jurisdiction, which will make it an initial zoning. Tracts 1 through 4 were zoned RA20 at the time of the extraterritorial jurisdiction extension west from Allen Road. Tract 1 is requested for office zoning fronting Allen Road. Tract 2, which is adjacent to Teakwood Subdivision is requested to be R6S. Tract 3 is requested to be R6A and Tract 4 is requested to be R6. It is proposed that Tract 5 be zoned R6. The total acreage is 85.5. The Land Use Plan recommends that the area between Allen Road, Frog Level Road, both sides of NC Highway 13/Dickinson Avenue Extension function as a community focus area. Intensive commercial development is occurring in this area and would be expected to continue. The area surrounding the community focus area would be recommended for some type of office or high density residential buffering to the interior medium density neighborhoods. Tracts 4 and 5 are in the area that is considered contiguous to the commercial area, and the request for higher density development is in general compliance with the Land Use Plan. It is recommended that the area north of Tracts 4 and 5 be developed for medium density residential. It is anticipated that 200 single-family dwellings can be developed on this property. Under the proposed zoning, Tract 1 does not allow any residential option. Tract 2 could yield 120 single-family dwellings under standard subdivision, 150 under cluster development. Tract 3 would yield 135 multi-family dwellings. Tract 4 and 5 would yield 300 to 450 units. Staff is of the opinion that this request is in compliance with the Land Use Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin, representing the petitioner, stated that this request is in compliance with the Comprehensive Plan. It allows for transition zoning.

Mr. George Hamilton informed the Council that this area is in the area of Green Mill Run. He asked what the developer will do with the excessive water. That may be a problem if this is not properly planned.

Mr. Hamilton stated that will be considered during the preliminary plat stage, which any state, federal and local rules will be applied.

Council Member Dunn stated that the City has implemented the mandated stormwater program.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Council Member Little to adopt the ordinance rezoning four tracts totaling 69.51 acres and to initially zone one tract totaling 16.076 acres as follows: Tract 1, consisting of 9.018 acres, from RA20 to O; Tract 2, consisting of 27.778 acres, from RA20 to R6S; Tract 3, consisting of 16.944 acres, from RA20 to R6A; Tract 4, consisting of 15.770 acres, from RA20 to R6; and initial zoning of Tract 5, consisting of 16.076 acres, as R6. The property (85.59 acres combined) is located adjacent to the western right-of-way of Allen Road, south of Teakwood Subdivision, and 1400+ feet north of Dickinson Avenue Extension. Motion carried unanimously. (Ordinance No. 03-76)

ORDINANCE REZONING SHENANDOAH INVESTMENT GROUP, LLC PROPERTY LOCATED EAST OF SOUTH HAVEN APARTMENTS OFF THE TERMINUS OF SOUTH SQUARE DRIVE FROM RA20 TO R6A - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4 and August 11, 2003 setting this time, date and place for a public hearing to consider a request by Shenandoah Investment Group, LLC to rezone an 8.06 acre tract, located east of South Haven Apartments off the terminus of South Square Drive, from RA20 to R6A. At its July 15, 2003 meeting, the Planning and Zoning Commission voted to recommend approval of the request.

Mr. Harry Hamilton delineated the property on a map and stated that the Land Use Map recommends commercial development fronting on the eastern right-of-way of Memorial Drive, transitioning into Office and Institutional/Multi-family with medium density residential on the interior extending east to the Seaboard Coastline Railroad right-of-way and north to Westhaven Subdivision. R6A is considered a medium-density zoning district. The existing RA20 could yield 26 single-family cluster units. The proposed R6A could yield 65 one, two and three-bedroom multi-family units. The request for R6A zoning is in compliance with the Comprehensive Plan.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Mike Baldwin stated that this is the last piece of a long process. The request is in compliance with the Compliance Plan. The adjoining property owners are in agreement with the zoning being requested.

There being no further comments, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinance rezoning an 8.06 acre tract, located east of South Haven Apartments off the terminus of South Square Drive, from RA20 to R6A. Motion carried unanimously. (Ordinance No. 03-77)

ORDINANCE AMENDING THE SIGN REGULATIONS TO ALLOW THE REMODELING OF EXISTING OFF-PREMISE SIGNS WHICH ARE NONCONFORMING DUE TO SETBACK, SPACING AND/OR CONSTRUCTION, PROVIDED WITH COMPLIANCE WITH OTHER APPLICABLE STANDARDS IS MET – ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4 and 11, 2003 setting this time, date and place for a public hearing to consider a request by Fairway Outdoor Advertising Company to amend the sign regulations to allow the remodeling of existing off-premise signs which are nonconforming due to setback, spacing and/or construction, provided compliance with other applicable standards is met.

Mr. Hamilton reported that the original comprehensive sign ordinance was adopted in 1986. At that time, nonconforming on-premise temporary and off-premise or billboard signs were amortized over six month and 66-month periods respectively. At the expiration of the amortization periods, the nonconforming on-premise temporary signs were removed after notification to the sign owners, as signs were observed to be in violation, and the nonconforming off-premise signs were removed after notification through a mailing effort began several months prior to May 1992. All nonconforming off-premise signs were removed with the exception of those signs which were located on federal aid highways (US 11 and US 264 Bypass) due to the federal law requiring the payment of compensation to the owner for the loss of such sign locations. Amortization did not then nor does it now qualify as compensation for the removal of off-premise signs located on federal aid highways. Thus, 29 of the 66 total nonconforming off-premise signs were exempt from removal due to the City's inability to pay compensation for such signs. This ordinance applies only to those specific existing nonconforming off-premise signs noted above and to other qualified off-premise signs as may be included in the City's jurisdiction by virtue of subsequent annexation or extraterritorial jurisdiction extension. Under the provisions of the proposed ordinance, any existing off-premise sign which is nonconforming with respect to either spacing, setback and/or construction may be altered, including replacement provided compliance with all of the following conditions.

- No such sign shall be altered or replaced unless such sign is located within a zoning district that allows off-premise signs as a permitted use.
- There shall be no increase in any existing nonconforming situation or the creation of any new nonconforming situation.

- Except as further provided, a sign altered or replaced pursuant to this section shall comply with all applicable requirements including sign area, horizontal and vertical dimension, height, construction and landscaping.
- There shall be no increase in sign size, including sign display area vertical or horizontal dimension, or in sign height.
- Prior to alteration or replacement of any such sign, the owner shall provide information, including photographic picture(s), scaled graphic depiction, site plan and any additional documentation as may be required, to the director of planning or his designee which illustrates and details the existing and proposed sign. No such sign shall be altered or replaced prior to issuance of a zoning compliance and building permit.
- A building permit to replace such sign shall be obtained prior to the removal of the original sign. Construction of the replacement sign shall be initiated within the valid period of the original building permit. Failure to initiate construction of such sign within the valid permit period shall void any right to replace such sign under this section. Replacement of any sign initiated after the valid permit period shall be subject to all requirements in effect for location and construction of a new sign.

Mr. Hamilton concluded by stating that the proposed ordinance, while allowing substantial remodeling and replacement of older nonconforming sign structures such as a multi-pole sign will actually bring such signs into closer compliance with current requirements by the application of minimum standards in concert with such remodeling. The proposed ordinance will not encourage the location of new off-premise signs and may, in some cases, through preservation of existing signs and their established 1,000 foot radius, restrict additional signs at certain locations in close proximity. Staff has no objection to the amendment.

Mayor Parrott declared the public hearing open and solicited comments from the audience.

Mr. Terry Harkins of Fairway Sign Company stated that his company and the City could be better represented by making structures more updated with a single-pole.

There being no further comments, the public hearing was closed.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Council to adopt the ordinance amending the sign regulations to allow remodeling of existing off-premise signs which are nonconforming due to either setback, spacing and/or construction, provided compliance with other applicable standards is met. Motion carried unanimously. (Ordinance No. 03-77)

ORDINANCE ANNEXING THOMAS F. TAFT, SR. PROPERTY LOCATED ON THE NORTH SIDE OF STANTONSBURG ROAD (NCSR 1467) AND WEST OF ALLEN ROAD (NCSR 1203) - ADOPTED

City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4, 2003 setting this time, date and place for a public hearing to consider a request by Thomas F. Taft, Sr. to annex 1.002 acres located on the north side of Stantonburg Road (NCSR 1467) and west of Allen Road (NCSR 1203). This is a contiguous annexation.

Mr. Merrill Flood, Deputy Director of Planning and Community Development, delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and it will remain so. The current and anticipated population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Glover and seconded by Council Member Council to adopt the ordinance annexing 1.002 acres located on the north side of Stantonsburg Road (NCSR 1467) and west of Allen Road (NCSR 1203). Motion carried unanimously. (Ordinance No. 03-79)

ORDINANCE ANNEXING HOLLY GLEN PROPERTY LOCATED ON THE WEST SIDE OF ALLEN ROAD (NCSR 1203) AND NORTH OF LANDFILL ROAD - ADOPTED

Consideration of City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4, 2003 setting this time, date and place for a public hearing to consider a request by Kenneth Whichard for Holly Glen to annex 0.071 acres located on the west side of Allen Road (NCSR 1203), approximately 800 feet north of Landfill Road. This is a contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is part of a right-of-way. The current and anticipated population is 0.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Dunn and seconded by Council Member Council to adopt the ordinance annexing 0.071 acres located on the west side of Allen Road (NCSR 1203), approximately 800 feet north of Landfill Road. Motion carried unanimously. (Ordinance No. 03-80)

ORDINANCE ANNEXING FIELD OF BEANS, LLC PROPERTY LOCATED OFF THE WESTERN RIGHT-OF-WAY OF ALLEN ROAD SOUTH OF TEAKWOOD, SECTION 2 - ADOPTED

Consideration of City Manager Davis reported that a notice of public hearing was published in The Daily Reflector on August 4, 2003 setting this time, date and place for a public hearing to consider a request by Field of Beans, LLC to annex 16.076 acres located approximately 2,300 feet off the western right-of-way of Allen Road and approximately 800 feet south of Teakwood, Section 2. This is a non-contiguous annexation.

Mr. Flood delineated the property on a map and stated that the property is located in Voting District 1. The property is currently vacant and the proposed use is for 200 multi-family units. The current population is 0, and the anticipated population at full development is 490, with 58 being minority.

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Little and seconded by Council Member Craft to adopt the ordinance annexing 16.076 acres located approximately 2,300 feet off the western right-of-way of Allen Road and approximately 800 feet south of Teakwood, Section 2. Motion carried unanimously. (Ordinance No. 03-81)

PUBLIC HEARING FOR A LOCAL LAW ENFORCEMENT BLOCK GRANT APPLICATION FOR THE POLICE DEPARTMENT

Joe Simonowich, Chief of Police, informed the Council that the Greenville Police Department is eligible to receive funds from the Bureau of Justice Administration's Local Law Enforcement Block Grant Program. The amount available is \$85,354 and a required local match is \$9,474. The Police Department would like to spend the grant funds on the following items:

Digital Darkroom System (1 unit)	\$35,000
Portable Radios (15 units @ approx. \$750 each)	\$12,000
Taser Less-Lethal Weapons (18 units @ approx. \$1000 each)	\$18,000
Laptop Computer (1 unit)	\$ 2,500
In-Car Video Systems (4 units @ approx. \$5600 each)	\$22,400
Portable Digital Video Systems (2 units @ approx. \$1750 each)	\$ 3,500
Police Promotional Products (assorted items)	<u>\$ 1,400</u>
Total	\$94,800

Mayor Parrott declared the public hearing open and solicited comments from the audience. There being none, the public hearing was closed.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to authorize the Police Department to submit the local law enforcement block grant application. Motion carried unanimously.

ADDRESS BY GEORGE HAMILTON

Mr. George Hamilton, President of the Lakewood Pines Neighborhood Association, stated that he appreciates the City Council allowing him to present this information to them. This is a presentation and request made on behalf of the Neighborhood Association for Lakewood Pines, as well as a multiple number of other neighborhoods called the Greenville Coalition of Neighborhoods.

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Residents of Lakewood Pines along with a number of other Greenville Neighborhood residents believe that it is essential that Council take action to modify the future development of Greenville. We believe as pointed out in a number of letters to the Editor and the Daily Reflector Editorial of August 13 tells of Unlearned Lessons - August Deluge a Flash Back to Floyd's Pain that too many ordinances which guide planning and too many decisions rendered by

development, based planning and zoning commissions have created poorly planned development. As a result, a number of established neighborhoods have suffered irreparable injury and loss of value by development, which has changed the character and attractiveness of the neighborhood for family living.

Decisions which have allowed excessive conversion of permeable soil to hardtop and invaded our floodplains have greatly diminished our ability to manage stormwater runoff resulting in more frequent and widespread flooding. Obtaining a balance between development needs and preservation of natural resources is unquestionably difficult that the consequences of unfeathered growth through inadequate planning will ultimately become destructive to a community. Greenville is fortunate to have some open space and a reasonable viable floodplain associated with the Green Mill Run. Effective planning and action is critical and must include a focus on maintaining existing floodplain areas and its vegetation.

Although the Planning and Zoning Commission functions in an advisable capacity to the Council, we believe that decisions rendered by the Commission have significant impact on development. Therefore, a resolution supported by multiple neighborhood petitioners has been placed before you requesting modifications of the appointment process. We believe that a more diverse representation of membership on the commission is needed to provide fair and equal representation of all parties affected by its decisions and to enhance the potential for the application of smart growth principles. Additionally, the petitioners request the City Council to adopt ordinances and regulations that will preserve Greenville's valuable neighborhoods and promote utilization of smart growth principles for future growth and development of Greenville."

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Mr. Hamilton stated that they have tried to outline some concepts that could be utilized in reconsidering the method by which the members of that Commission are appointed.

After discussion about the best way to address this issue, a motion was made by Council Member Dunn and seconded by Mayor Pro-Tem Miller to discuss the make-up of the Planning and Zoning Commission at the September 8, 2003 City Council Meeting. Motion carried unanimously.

ADDRESS TO THE COUNCIL BY MARY WILLIAMS

Mrs. Mary Williams informed the Council that her family recently secured River Park North for a family reunion. She expressed concern that they had to clean up, including filling bags of trash after the outing. She asked if the City addressed equal attention to all areas, if the City addresses all parks equally, and why River Park North and people in the extraterritorial jurisdiction can't get funding from the City the same as other areas. The youth have a lot of energy and the recreational facilities are faulty. Bike paths aren't on all sides of town. If the City is going to curb the violence, it needs to look at recreational facilities throughout the area.

Council Member Council made a motion to reimburse the Perkins family because they paid money to use the River Park North facility and had to clean up when they left.

City Manager Davis stated that the fee covers the use of the recreational facility. He asked Council Member Council to give him a chance to look into it. He apologized to Ms. Williams and members of her family.

Council Member Council withdrew her motion.

Council Member Glover thanked Ms. Williams for bringing up the issue and expressed that she agreed that there are inadequate facilities in certain parts of town. In some parts of town, the parks only have a building. She encouraged the citizens to go around and see what is available. Crime is deterred by recreational facilities.

Council Member Council encouraged all citizens to use the parks in all areas of town.

MUNICIPAL AGREEMENT WITH NCDOT FOR REGIONAL MEDICAL CENTER TRANSPORTATION ENHANCEMENT PROJECT - APPROVED

Mr. Ron Svekovsky, Transportation Planner, stated that Phase 1 of the Regional Medical Center Transportation Enhancement Project was approved for funding by the North Carolina Board of Transportation in February 2003. This phase consisted of sidewalks along both sides of Stantonsburg Road from Arlington Boulevard to Moye Boulevard, a new bus shelter, and street trees. Phase 1 has a total estimated cost of \$167,000. Of this total cost, \$133,600 (80%) will be funded by a federal Transportation Enhancement Grant, and \$33,400 (20%) will be funded by Pitt County Memorial Hospital. There is no cost to the City for this project. A municipal agreement is required to be signed for this project.

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve a municipal agreement between the North Carolina Department of Transportation and the City of Greenville for the Regional Medical Center Transportation Enhancement Project. Motion carried unanimously. (Contract No. 1275; Resolution No. 03-38)

MUNICIPAL AGREEMENT WITH NCDOT FOR THE HIGHWAY/RAILROAD TRAFFIC (GRADE) SEPARATION STUDY - APPROVED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to approve a municipal agreement between the North Carolina Department of Transportation and the City of Greenville for the Highway/Railroad Traffic (Grade) Separation Study. Motion carried unanimously. (Contract No. 1153; Resolution No. 03-19)

REPORT ON PITT COUNTY'S ACTIONS REGARDING MUNICIPAL EXTRATERRITORIAL JURISDICTIONS

City Manager Davis informed the City Council that the Pitt County Commissioners considered the resolution requesting that they authorize an extraterritorial jurisdictional area extension. The Commissioners have reviewed the request and stated that they affirm their commitment to assist in the growth and development of the municipalities and pledge their support to give every consideration to requests for extension of extraterritorial jurisdictions when such requests come before them; however, they did not wish to make a blanket extension.

RESOLUTION REQUESTING THE PITT COUNTY BOARD OF COMMISSIONERS TO APPOINT MEMBERS TO PLANNING AND ZONING COMMISSION - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution requesting the Pitt County Board of Commissioners to appoint three regular members and one alternate member to the Planning and Zoning Commission. Motion carried unanimously. (Resolution No. 03-20)

AMENDMENT TO CITY OF GREENVILLE CDBG AND HOME POLICIES AND PROCEDURES MANUAL - APPROVED

Motion was made by Council Member Little and seconded by Council Member Craft to approve the amendment to the City of Greenville CDBG and HOME Policies and Procedures Manual. Motion carried unanimously. The revisions include changes to the payback scale based on a housing rehabilitation cap of \$40,000, inclusive of all costs related to the rehabilitation. The previous scale would not permit flexibility as is necessary with housing rehabilitation due to cost fluctuations with each home. Persons with total household incomes below 50% would continue to receive a full grant. Incomes of 50% and greater would follow this payback scale:

<u>% MEDIAN INCOME</u>	<u>% OF PAYBACK</u>
50% - 55%	15%
56%-60%	20%
61%-65%	25%
66%-70%	30%
71%-75%	35%
76%-80%	40%

ORDINANCE REGULATING OUTDOOR BURNING - ADOPTED

Assistant City Attorney Bill Little explained to the Council that the Greenville City Code has not addressed open burning in the past because it was contained in the North Carolina Fire Prevention Code; however, the State Code no longer contains these provisions. Therefore, there is a need for the City to regulate it. The ordinance is designed to protect public health from open air burning and to reduce additional fire threats by limiting the opportunities for such open air burning. The ordinance addresses the burning of rubbish, yard waste and all other materials, specifically excluding what may be characterized as recreational use such as outdoor grills, tiki torches or citronella candles, or the use of chimeneas. Bonfires are also excepted provided that an open burning permit is obtained from the Fire Department, and open burning associated with land development is excepted provided that an open burning permit is obtained from the Fire/Rescue Department after it coordinates and receives the consent of the US Forestry Service. As defined by the State Code and past practices of the Fire/Rescue Department, open burning permits for land development are strictly limited. These permits do not authorize “cut and burn” practices that are envisioned by some when such practices are issued. The time periods for the fire are generally 8:00 a.m. to 6:00 p.m. There must be coordination with and approval by the U.S. Forestry Service, the prevailing winds must be such that smoke or ash would not be within 250 feet from the edge of the roadway, at least a 1000 foot buffer must be between dwellings or

buildings, and the permit holder must have a signed written statement from surrounding property owners not objecting to the burning if the fire is to be within 1000 feet of a building or dwelling.

Motion was made by Mayor Pro-Tem Miller and seconded by Council Member Craft to adopt the ordinance regulating outdoor burning. Motion carried unanimously. (Ordinance No. 03-82)

RESOLUTION FOR REIMBURSEMENT TO GREENVILLE UTILITIES COMMISSION
FOR EXPENSES FOR BELLS FORK TO WINTERVILLE 115 KV TRANSMISSION
PROJECT - ADOPTED

Motion was made by Council Member Craft and seconded by Mayor Pro-Tem Miller to adopt the resolution for reimbursement to Greenville Utilities Commission for expenses for the Bells Fork to Winterville 115 KV Transmission Project. Motion carried unanimously. (Resolution No. 03-41)

REPORT ON BIDS AWARDED

City Manager Davis informed the Council that the following bids had been awarded:

<u>Date</u>	<u>Item Description</u>	<u>Awarded To</u>	<u>Amount</u>
5/30/03	Mowing Contract for Brownhill Cemetery	David Rogerson	\$11,730.00
6/12/03	Install Fiber Optic Cable at Jaycee Park	DSW Electrical	\$14,910.00
6/12/03	Install Fiber at CVB & Teen Center	Wyatt Webber	\$16,443.00
6/12/03	Materials/Labor Repair Wiring & Install Ballfield Lights	R J Jones Electrical	\$11,488.00
6/18/03	Install Fence Backstop with 4 Poles	Lester Everett, Jr.	\$17,980.00
6/18/03	Labor & Materials to Install Irrigation Systems per owner's specs	L.R. Griffon & Assoc.	\$12,500.00
6/30/03	Contract For Signal Construction Work Moye/Hooker Connector	Watson Electrical Const.	\$60,642.00
7/28/03	Labor/Materials to Install Concrete Sidewalk	Norstate Contracting, Inc.	\$10,496.00

COMMENTS FROM MAYOR AND CITY COUNCIL MEMBERS

Council Member Glover asked for further information on the accreditation process prior to Monday. She would like specific information for the last five years on travel for everyone, reports, training records, annual report, agency profile questionnaire, and the policy manual that was developed.

Council Member Glover stated that the West Greenville gym is infested with rodents and water bugs.

City Manager Davis stated that he will check with the exterminator on that.

Council Member Little thanked the citizens who went to the Police Community Relations Committee meeting last night. The Commission is bringing in police officers to tell what they do. He encouraged citizens to attend the meetings when they are in their area.

Council Member Little requested that an update on the computerized traffic signals be placed on the September 8 agenda, as well as a status report on the Greene Street bridge.

CITY MANAGER'S REPORT

Good News Report

City Manager Davis commended the City employees who went the extra mile during the recent flooding.

Discussion of the Third Meeting of the Month - August 25, 2003 at 7:00 p.m.

Motion was made by Council Member Council and seconded by Mayor Pro-Tem Miller to cancel the August 25, 2003 City Council meeting. Motion carried unanimously.

Dedication Ceremony for Greenville Toyota Amphitheater at Town Common – Sunday, October 19, at 2:00 p.m.

City Manager Davis reminded the Council of the dedication ceremony for the Greenville Toyota Amphitheater at the Town Common on Sunday, October 19, at 2:00. He announced that there will be music by an orchestra and by Super Grit Cowboy Band.

City's United Way Campaign

City Manager Davis reported that again this year, the City is a Pacesetter for the United Way. Sarah Connor of Public Works and Connie Elks of the Police Department are the coordinators.

Comprehensive Plan Public Meetings Update and Potential Meeting with City Council

City Manager Davis reported that three informational meetings have been scheduled for the Comprehensive Plan update as follows:

September 3 from 4:00 until 6:00 at Public Works
September 4 from 4:00 until 6:00 at Sheppard Memorial Library
September 9 from 4:00 until 6:00 at the Eppes Center

Staff was asked to provide the document to the Council at least a week before the first meeting.

Blood Drive

City Manager Davis reported that at the City's blood drive held yesterday, there were 119 donors and 115 pints collected.

CLOSED SESSION

Motion was made by Council Member Craft and seconded by Council Member Little to go into closed session to the end of the agenda for the purpose of establishing or instructing the public body's staff or negotiating agents concerning the position to be taken by or on behalf of the public body in negotiating the price and other material terms of a contract or proposed contract for the acquisition of terms of a contract or proposed contract for the acquisition of real property by purchase, option, exchange, or lease. Motion carried unanimously.

ADJOURN

Motion was made by Council Member Craft and seconded by Council Member Little to adjourn the meeting at 9:20 p.m. Motion carried unanimously.

Respectfully submitted,

Wanda T. Elks, CMC
City Clerk